

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FIFTH DIVISION**

In re:

Bky. No. 04-50692 RJK

ERIC STRONG and SHELLEY M. STRONG,

Debtors.

**NOTICE OF HEARING AND VERIFIED MOTION
FOR ORDER DISMISSING CASE**

TO: Debtors, Debtors' Attorney, United States Trustee and All Other Parties in Interest.

1. PLEASE TAKE NOTICE that on October 25, 2004, at 10:30 a.m., in Courtroom No. 2, United States Bankruptcy Court, 515 West First Street, Duluth, Minnesota, Robert R. Kanuit, Trustee, will move the Court for the relief requested below and gives notice of hearing herewith.

2. Any response to this motion must be filed and delivered not later than October 18, 2004, which is seven (7) days before the time set for the hearing (including Saturdays, Sundays, and holidays), or filed and served by mail not later than October 15, 2004, which is ten (10) days before the time set for the hearing. **Pursuant to Local Rule 9013-2, unless a response is timely filed, the Court may in its discretion enter an Order granting a dismissal of bankruptcy proceedings without a hearing.**

3. This Court has jurisdiction over this matter under 28 U.S.C. § 157, Bankruptcy Rules 1017 and 9014, and Local Rule 1070-1. This proceeding is a core proceeding. On July 7, 2004, the Debtors filed a Chapter 7 Petition in the United States Bankruptcy Court, Minnesota. The case is now pending in this Court.

4. This Motion arises under 11 U.S.C. §§ 521 and 707 and Local Bankruptcy Rule §1017-2(a). This Motion is filed under Bankruptcy Rule 7055 and Rule 55 of the Federal Rules of Civil Procedure. Movant requests relief with respect to the dismissal of the bankruptcy proceedings filed by the above-named Debtors.

5. I was appointed the Interim Trustee on July 12, 2004, in this bankruptcy, and I remain in that capacity as of this date.

6. I appeared to examine the Debtors on August 25, 2004, at 9:30 a.m., the date first set for the Section 341(a) meeting of creditors, and on September 22, 2004, at 12:00 p.m., the rescheduled date of the Section 341(a) meeting of creditors. Debtors failed to appear at either of those meetings.

7. As a result of the failure of the Debtors to appear, I have been unable to examine the Debtors as to their assets and liabilities and have been unable to file appropriate reports and to administer any possible assets.

WHEREFORE, Robert R. Kanuit, Trustee, moves the Court for an order dismissing the case and for such other relief as may be just.

Dated this 24th day of September, 2004.

/e/ Robert R. Kanuit
Robert R. Kanuit, Trustee
4815 W. Arrowhead Road, #230
Hermantown, MN 55811
(218) 722-7722

VERIFICATION

I, Robert R. Kanuit, the movant named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Robert R. Kanuit
Robert R. Kanuit

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FIFTH DIVISION**

In re:

Bky. No. 04-50692 RJK

ERIC STRONG and SHELLEY M. STRONG,

Debtors.

ORDER DISMISSING CHAPTER 7
CASE AND BARRING DEBTORS
FROM RE-FILING FOR
BANKRUPTCY RELIEF

At Duluth, Minnesota, this ____ day of _____, 2004.

This Chapter 7 case came on before the Court on October 25, 2004, at 10:30 a.m., for hearing on the Trustee's motion for dismissal. Robert R. Kanuit appeared on behalf of the Trustee on the motion. There were no other appearances; the Debtors did not respond to the motion. Upon the record as made,

IT IS HEREBY ORDERED:

1. This case is dismissed pursuant to 11 U.S.C. § 707(a)(1), effective the date of this order.
2. Pursuant to 11 U.S.C. §§349(a), 109(g), and 105, the Debtors will be ineligible for any form of bankruptcy relief for a period of 180 days after the date of this order, and shall be restrained and enjoined from re-filing for such relief for that period. This restraining order will continue in force and effect, notwithstanding the dismissal of the present case. Such a re-filing in light of the present order will constitute cause for dismissal of the new case, and for imposition of sanctions upon the Debtors and counsel, as may be appropriate.

BY THE COURT:

Dated: _____

The Honorable Robert J. Kressel
UNITED STATES BANKRUPTCY JUDGE